

**United States District Court
Southern District of Ohio
Western Division**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:01-cv-541

vs.

Watson, J.
Black, M.J.

BUFORD HOUCK, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

On April 4, 2005, Plaintiff filed a motion for summary judgment pursuant to Fed. R. Civ. P. 56. (*See* Doc. 71). Under S.D. Ohio Civ. R. 7.2(a)(2), an opposition memorandum “shall be served and filed within twenty-one (21) days from the date of service set forth in the certificate of service attached to the Motion.” No opposition memorandum has yet been filed in this case, even though more than twenty-one days have passed since the service date referenced in the motion.

Defendants, therefore, are **ORDERED TO SHOW CAUSE**, in writing and within **FIFTEEN DAYS** of the filing date of this Order, why Plaintiff’s motion for summary judgment should not be granted for the reasons stated in Plaintiff’s motion, and judgment entered in favor of Plaintiff. *See Guarino v. Brookfield Township Trustees*, 980 F.2d 399, 404-05 (6th Cir. 1992) (holding that a district court properly relies upon the facts provided by a moving party when a motion for summary judgment goes unopposed).

SO ORDERED.

DATE: May 12, 2005

s/ Timothy S. Black
Timothy S. Black
United States Magistrate Judge